

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, DECEMBER 2, 2003.

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Brad C. Rosenberger
Carolyn S. Smith

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

Newly Elected Supervisor:

Steven E. Nixon

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Matt Gregory, Minister of Youth, Open Door Baptist Church, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mrs. Smith led the members of the Board and the audience in the Pledge of Allegiance to the flag.

RE: AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, asked that the following changes be made to the agenda:

Under **GENERAL COUNTY BUSINESS**, delete Item 5, **RE: PRESENTATION OF COMPENSATION AND BENEFITS STUDY** (postponed until January 2004); and

Under **CLOSED SESSION**, delete Item 5.

Mr. Bossio also asked that the following corrections be made to the minutes:

In the November 5, 2003 – A.M. minutes, page 18, **RE: APPOINTMENTS TO THE SCHOOL CONSTRUCTION OVERSIGHT COMMITTEE**, Michael Armm should be shown as “alternate member” instead of joint member; and

In the November 5, 2003 – P.M. minutes, page 11, last paragraph, delete the

sentence: "Mr. Clark replied that he would not give his talk regarding economic development in Culpeper." and add in its place: "Mr. Clark replied 'that it is my finest belief that it is an upzoning'".

Mr. Bossio stated that Mr. Coates would like to make a presentation at an appropriate time.

Mr. Walker moved, seconded by Mrs. Smith, to amend the agenda accordingly.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker/

Motion carried 7 to 0.

RE: MINUTES

The minutes of November 5, 2003 regular meetings were presented to the Board for approval.

Mrs. Smith moved, seconded by Mr. Walker, to approve the minutes as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker/

Motion carried 7 to 0.

CONSENT AGENDA:

Mr. Bossio reviewed the following Consent Agenda items with the Board:

a. The Board will consider approving a budget amendment for the Sheriff's Office from a donation received to purchase night vision equipment in the amount of \$3,500;

b. The Board will consider approving a request from the Virginia Department of Transportation to accept the following streets into the State Secondary Road System: Banbury Court, Chatham Lane, Fairbourne Drive and Stratford Drive in the South Wales Phase 15 & 16; Autumn Brook Lane, Heather Down Lane, and Old Holly Lane in the Clover Hill Estates; Bob White Trail, Covey Circle, South Hen Bird Court, and North Hen Bird Court in the Quail Ridge Phase 2; Adrienne Place, Alamance Drive, Burlington Drive and Wellborn Court in the Woodbourne Estates; Atkins Trail Lane in the Woodbourne Estates Phase 2; Amsterdam Court, Holland Court, and Windmill Way in the Dutch Hollow Subdivision; Reid Hill Road and Triview Avenue in Tri-View Estates; Griffin Gates Drive and Windswept Lane in the Griffin Gates (formerly Fox Chase 2); Brandy Fizz Court and Equestrian Lane in the Cedarbrook Subdivision; Mill Creek Court in the Riverbend Estates Phase 5; Allison Drive, Malveka Court, Shadow Drive, and Wayland Drive in Culpeper Lakes Subdivision; and

Robin Road in Kavanaugh Meads Phase 3;

c. The Board will consider approving a budget amendment for the Clerk of the Circuit Court for Technology Trust Funds received to be used for indexing and microfilming in the amount of \$22,500; and

d. The Board will consider approving a joint resolution for Expressing Intent of Culpeper and Fauquier Counties to Cooperate in the Installation and Operation of their Respective E-911 Emergency Communications systems.

Mr. Walker moved, seconded by Mr. Lee, to approve the Consent Agenda as presented.

Mrs. Smith asked for additional information regarding the source of the Technology Trust Fund provided to the Circuit Court. Ms. Patricia Payne, Clerk of the Circuit Court, explained that her office collected a \$3 fee for each instrument recorded and those fees were sent to the State. The Compensation Board puts that money in a savings account and sends each appropriate Circuit Court a small portion of those funds to reimburse the Court for expenses connected with land records.

Mr. Donald Gore, VDOT Resident Engineer, asked that a correction be made in Consent Agenda Item b: "Heather Down Lane" should be "Heather Dawn Lane".

Mr. Walker amended the motion to approve the Consent Agenda as corrected. Mr. Lee agreed to the amendment.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker.

Motion carried 7 to 0.

PRESENTATION

Mr. Coates asked Mrs. Smith to come forward and join him at the podium. He presented her with a Resolution, which Mr. Bossio read into the record:

**Culpeper County Board of Supervisors
Resolution to Honor Carolyn S. Smith
for her Service to the Citizens of Culpeper County**

WHEREAS, Carolyn S. Smith was elected to represent the citizens of West Fairfax Magisterial District on the Culpeper County Board of Supervisors in November 1995 and took office in January 1996; and

WHEREAS, her service continued through her re-election in November 1999; and

WHEREAS, the Board appointed Mrs. Smith to serve as its representative to the Rappahannock River Basin Study Commission on which she served from 1998 to the present; and

WHEREAS, the Board also appointed Mrs. Smith as its representative to the High Growth

Coalition, the Community Criminal Justice Board, the Social Services Board, the Library Board and the Renaissance Committee; and

WHEREAS, Mrs. Smith served on many of the Board's Committees and Chaired the Town/County Interaction Committee from 1996 through 1999, and the Personnel Committee in 1997 and 1998; and

WHEREAS, during her eight years on the Board, Mrs. Smith also served on the following standing Committees: Airport Advisory, Buildings and Grounds Renovation, E-911 Board of Directors, Legislative, Public Safety, Public Works, Rules, and on the following Committees: 250th Celebration, Historical Review, and Route 29 Corridor.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the **CULPEPER COUNTY BOARD OF SUPERVISORS** does honor Carolyn S. Smith for her service to the citizens of Culpeper County; and

BE IT FURTHER RESOLVED, that the **CULPEPER COUNTY BOARD OF SUPERVISORS** does hereby thank Mrs. Smith for her dedication to the citizens of Culpeper County and offers best wishes to Mrs. Smith in her future endeavors.

DONE, this 2nd day of December, 2003.

By: William C. Chase, Jr., Stevensburg
Sue D. Hansohn, Catalpa District
James C. Lee, Cedar Mountain District
Brad C. Rosenberger, Jefferson District
Carolyn S. Smith, West Fairfax District
Steven L. Walker, East Fairfax District

/s/ John F. Coates
John F. Coates, Chairman
Culpeper County Board of Supervisors
Salem District

ATTEST:

Frank T. Bossio, Clerk of the Board

Mr. Coates thanked Mrs. Smith, on behalf of the Board, for her services and wished her the best in the future.

Mrs. Smith thanked the Board for the resolution and the kind words it contained. She said that it was an honor to serve the people of the community and she thanked the citizens for giving her that opportunity.

GENERAL COUNTY BUSINESS

RE: INTRODUCTION OF NEW EMPLOYEE

Mr. Paul Howard, Director of Environmental Services, introduced Douglas Miller, new Facilities Maintenance Manager, and provided information on his background and experience. Mr. Miller stated he was looking forward to working with the Board. Mr. Coates welcomed Mr. Miller to the County staff.

RE: REQUEST FOR REIMBURSEMENT FOR LIVESTOCK KILLED BY DOG (S)

Mr. Bossio informed the Board that Linda Ottey was requesting reimbursement in the

amount of \$50 for two "Satin" rabbits that were killed by dog(s). Animal Control Officer Robert Hornung investigated the incident.

Ms. Ottey explained that the rabbits were in their cages, and the dog(s) chewed off the rabbits' feet through the wire mesh of the cages. She said she called the Animal Warden, who took pictures of the rabbits. She explained that the rabbits were her breeders for 4-H children and for Easter bunnies.

Mr. Coates asked Ms. Ottey if she had been able to determine who owned the dogs. Ms. Ottey stated she did not see the dog(s), nor did she know the owner of the dog(s).

Mrs. Hansohn stated that in the ACO's report, there was mention that Mr. Hornung had advised Ms. Ottey to set a trap to catch the dog, but she had declined. Ms. Ottey stated she declined because she had cats and puppies in the area.

Mr. David Maddox, County Attorney, informed the Board that he had reviewed the file and all elements under the statute had been met.

Mrs. Smith moved, seconded by Mr. Rosenberger, to approve reimbursement to Ms. Ottey in the amount of \$50.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker/

Motion carried 7 to 0.

Mr. Coates asked if there were any objections to hearing Item 7 because the Circuit Court Clerk had to leave. There were no objections.

RE: BUDGET AMENDMENT

Mr. Bossio reported that Ms. Patricia Payne, Clerk of the Circuit Court, had requested that a part-time position be converted to full time to handle an increased workload in her office. He noted that there was money available in the budget to cover the \$9,207 needed to effect this change.

Ms. Payne explained that increased growth in the County was having a tremendous impact in her office, not only in recording documents, but in every other activity in the office. She stated that as of December 1, 2003, they had recorded 13,693 instruments, compared with 11,000 for the entire 12 months in 2002. She pointed out that the County received back two-thirds of excess fees and, so far this year, \$150,999 had been returned.

Mr. Chase inquired where the fees went when the County received them. Mr. Bossio replied that two-thirds excess of fees paid were returned to the County and the

money went into the General Fund. Mr. Chase asked whether it had been included in the budget. Mr. Bossio replied that it had not.

Mr. Bossio stated that Judge Cullen had come to see him and asked that the Board be informed of his strong support for this request.

Mr. Lee moved, seconded by Mr. Chase, to approve the request to convert a part-time position in office of the Circuit Court Clerk to a full-time position.

Mr. Coates asked whether the position would be in the Circuit Court budget for next year. Ms. Payne stated that it would be. He said he assumed that money would be received from the State in the coming year. Ms. Payne stated that the County would be receiving these funds on a monthly basis.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker/

Motion carried 7 to 0.

RE: PRESENTATION OF COMPENSATION AND BENEFITS STUDY (Deleted)

RE: FINANCING FOR COMMUNITY COMPLEX

Mr. Bossio informed the Board that David Rose, Davenport and Company, was present and would address the Board regarding the responses received from the RFP for financing the Community Complex.

Mr. Rose recalled that the last time he was before the Board, he asked permission to go forward and obtain competitive bids for financing the sports facility in order to become "bank qualified". He stated he was pleased to report the results exceeded his expectations in regard to rates and terms and asked that the Board approve a resolution if they agreed with the results. He noted that four proposals were received and Patriot Bank, located in the Fredericksburg area, was being recommended as the bank from which to borrow \$2 million of the approximate \$3.5 million needed for the project. He noted they were able to obtain a guaranteed locked-in rate of 3.91 percent for 15 years, with the ability to refinance for five additional years. They had anticipated the rate would be in the 5.5 percent range. He added that not only was Patriot Bank offering a favorable interest rate, but (1) providing the ability for the County to either refinance or pay off the loan in whole or in part at any time without any penalty; and (2) requiring no closing costs. He noted that the other proposals came from Sun Trust Bank, BB&T and Second Bank and Trust.

Mr. Rose asked that if a vote were taken, that it is taken as a roll call vote as

required under the bond ordinances of Virginia. He pointed out that they were trying to close on the \$2 million by year-end in order to become “bank qualified” and to allow for the low rate. He said that the financing for the balance of approximately \$1.5 million would be completed after January 1st.

Mr. Chase stated he would not support the request because he was not in favor of paving the trails at the Complex. He did not believe that paving was necessary and it would not justify the cost.

Mr. Rosenberger inquired about Patriot Bank’s bank rating. Mr. Rose replied that he did not know the underlying rating of Patriot Bank, but he would find out the answer. He said that Patriot Bank was fully accredited, they were a large holding company located in the Martinsville area, and had approximately a dozen banks throughout the State.

Mr. Rosenberger asked how much money had been raised to date by the Foundation headed by Charlie Barrell. Mr. Bossio stated he did not have an answer, but would obtain that information.

Mr. Lee moved, seconded by Mrs. Hansohn, to move forward with financing the bond with Patriot Bank.

Mr. Rosenberger stated that he would support the motion, but would like to know what the Foundation had done in obtaining community involvement. Mr. Lee pointed out that the bond money would not complete the park, and there would still be an opportunity for raising funds within the community. He said that Mr. Walker had mentioned that the Soccer Association had donated to the County more than \$15,000.

Mrs. Hansohn stated that the full project would cost approximately \$3.5 million, and she felt there was still plenty of money for the community to raise aside from the \$2 million obligation bond. Mr. Bossio stated that borrowing the \$2 million was to “bank qualify” to provide the County financing for five years at a good rate. He said that the Foundation was in the process of trying to raise money.

Mrs. Smith stated she was not clear on Mr. Lee’s motion and asked whether it included the resolution or would two separate votes be required. Mr. Lee deferred that decision to the County Attorney.

Mr. Maddox stated that the motion and vote should be to approve the resolution authorizing the issuance of the bond, and that the vote should be a roll call vote.

Mr. Lee stated that he would amend his motion accordingly. Mrs. Hansohn agreed

to the amendment.

Mr. Bossio called the roll:

Mr. Chase - nay

Mr. Walker - aye

Mr. Lee - aye

Mr. Coates - aye

Mrs. Smith - aye

Mr. Rosenberger - aye

Mrs. Hansohn - aye

Motion carried 6 to 1.

RE: UPDATE ON ACQUISITION OF TOUCH SCREEN VOTING SYSTEM

Chuck Holmes, Secretary of Electoral Board, briefed the Board on the status of the acquisition of a touch screen voting system to be in compliance with "To Help America Vote Act" (HAVA) of 2002. He stated that three years ago, the Board had considered moving forward with the acquisition of new equipment, and he thanked the Board for its foresight, especially in view of the fact that HAVA made it mandatory for all jurisdictions to be in compliance by 2006. He explained the steps he had taken to obtain estimates of the cost of new equipment and his best estimate was \$4,000 per unit. In addition, special equipment, at an approximate cost of \$5,500 per unit, would be required for those who were blind, quadriplegic, etc., to allow them to cast their votes without assistance. He said that the Attorney General had advised the jurisdictions that he would not be representing them in any forthcoming law suits brought by individuals whose voting rights had been violated.

Mr. Holmes distributed information on the total number of voters in each precinct and indicated that the County had in excess of 21,500 registered votes as of November 29, 2003. He said the statute stipulated that one machine must be provided per 750 voters and that figure would probably be lessened to 400 voters per unit.

Mr. Holmes stated that Culpeper County was ahead in the process because funds had already been set aside in the budget for the acquisition of new equipment. He said he would relay information quickly regarding any funds that might be forthcoming from the Federal government. He noted that in an effort to curtail some of the costs, he had approached the State Board to have Culpeper County become a central absentee balloting jurisdiction which would allow for one or two units to be placed in the Registrar's Office or in

two or three precincts where voters would be able to cast absentee ballots. This would curtail the need for 13 special units, in addition to the regular units.

Mr. Walker asked Mr. Holmes whether he could estimate what it would cost for the total project. Mr. Holmes replied that he was attempting to get exact figures, but would estimate that the equipment would cost approximately \$170,000; however, under the HAVA and Omnibus Bill it was anticipated that the County would be reimbursed for the entire amount. He mentioned that there would also be maintenance and software costs involved, but the manufacturers of the equipment had offered to provide training without cost on how to use the units.

Mr. Rosenberger stated that using the figures Mr. Holmes had provided, he estimated the machines would cost \$114,677.33. He felt that the government should relent on the number of voters per machine. He asked whether the old equipment could be sold. Mr. Holmes stated that the old machines would be illegal throughout the United States and could not be sold in other countries. He said he learned that the salvage value was \$9 per unit.

Mr. Bossio stated there was still some money budgeted for voting equipment, but until a definite cost was established he did not know how much additional would be needed.

Mr. Coates asked whether the County would be asking permission to advertise and seek bids for these machines. Mr. Holmes stated that the units would be purchased under State contract.

Mrs. Smith stated that she understood the need for the computerized touch screen, but wondered why the old machines could not be used in tandem for a while to help defray some of the costs. Mr. Holmes explained that the statute provided that any mechanical lever device had a tendency to be a problem with people with disabilities and individuals would not come to the polls because they could not reach the lever, etc.

Mr. Lee asked whether Mr. Holmes could provide the additional information to the County Administrator in January so that the Board could proceed promptly. Mr. Holmes thought that would be possible and planned to have additional information to the County Administration within the next day or two regarding steps it would need to take to secure these machines. He added that he wanted to be among the first to contract with the State so that the County could receive any reimbursement quickly.

Mr. Bossio inquired whether the Board would like to have staff move forward as soon

as Mr. Holmes had obtained the exact cost since there were funds set aside for the new equipment, and staff could make every effort to get reimbursement from the State and Federal governments at the earliest possible opportunity.

Mr. Coates stated that from past experience, it might be wiser not to jump in too quickly. He pointed out that when some localities delayed in implementing E-9-1-1, the State stepped in and provided financial assistance.

Mr. Coates stated he would look forward to seeing Mr. Holmes in January, since he did not hear anything to the contrary from other Board members.

Mr. Coates recessed the meeting at 11:07 a.m.

Mr. Coates called the meeting back to order at 11:20 a.m.

NEW BUSINESS

COMMITTEE REPORTS

E-9-1-1 BOARD OF DIRECTORS/November 20, 2003/7:30 A.M.

Mrs. Hansohn reported that the E-9-1-1 Board met, but there were no action items to bring forward to the full Board.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Economic Development Director, presented a review of significant events that had occurred in the County since July: (1) Attotek, Inc. and Competitive Innovations announced that they would be moving to Culpeper early in 2004, both had been attracted to Culpeper because of its SBA HUB Zone status; (2) Continental Teves announced it would expand its Culpeper plant with 29 new jobs and an initial investment of \$3 million, as part of a \$14.7 million two-year investment program; (3) Lowe's Home Improvement Center began construction of a \$10 million, 100,000 square-foot retail facility that would employ approximately 150 employees, with additional retail outlets expected to locate nearby; (4) the Library of Congress broke ground for the National Audio-Visual Conservation Center, with approximately 140 employees relocating to the facility; (5) Structural Systems, Inc. announced the purchase of the former Keller Manufacturing facility and guaranteed at least 150 jobs with the capability of going over 300; and (6) the Board approved the Job Training and Tax Refund Incentive Program, and the Town was considering a companion program. He said these events would equate to approximately 530 to 700 jobs in new business development.

Mr. Sachs reported that some ongoing and upcoming issues were: (1) Open Space and Farm Land Preservation continued to be a priority, and the Economic Development Committee was working with the Ag Committee to develop a program to secure development rights for critical open-space lands; (2) a Countrywide rural transit system was being examined and a proposal would be presented to the Rules Committee shortly; (3) affordable housing was becoming a critical issue for manufacturing employees and public servants, such as school teachers and police officers, as the median cost of housing was increasing; (4) business growth of high tech or higher paying firms, was seen as a way to partially reverse the out-migration of the County's workforce, and a plan was being developed to present to the Rules Committee that would allow businesses interested in government bidding to grow new ventures in Culpeper as a result of its SBA HUB Zone status; and (5) an announcement was anticipated early in the new year relative to a business attracted to Culpeper through marketing of the HUB Zone status, and that company would be bidding on a number of IT-related government contracts as well as providing IT service to local businesses.

Mr. Coates asked Mr. Sachs whether he had discussed with the Library of Congress the possibility of making some jobs available to local people. Mr. Sachs stated that a joint meeting had been held with representatives of the Library of Congress, with Town and County staff, Tourism and Chamber of Commerce present. He said that the Library of Congress intended to transfer the technical people from the Washington office, but they realized that some employees would not want to transfer. He said there would be opportunities for local candidates, but most available jobs would be in the area of services to provide for the operation of the facility, as opposed to the actual research, data collection and storage of the records.

Mr. Coates said that he hoped that training would be offered to local people so that they would qualify. Mr. Sachs stated that local people who were qualified would have an opportunity to apply for jobs there.

Mr. Walker asked where the existing HUB zone was located. Mr. Sachs explained that the HUB zone was one Census tract that included the northern part of the Town of Culpeper, continued out to Route 229 to Catalpa and east along Catalpa Road to Inlet in the County, back to Inlet and parallel to Route 29 South to Braggs Corner, coming in on an angle back into Town, intersecting Main Street at Edmonston Street, again down Main

Street to Route 29. He said that it was divided almost equally between an area inside the Town and the County.

Mr. Walker asked whether the new businesses to be located in the HUB Zone would be in Town or in the County. Mr. Sachs stated that he did not know where the two businesses, Attotek and Competitive Innovations, would be located. They had moved to a Census tract that had been redistricted as a result of the 2000 Census, and they were looking to find a new location.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Committee met, and there were no action items to be forwarded to the full Board.

ADMINISTRATOR'S REPORT

Mr. Bossio reported that:

1. The County Supervisors' Forum is scheduled for January 9–11, 2004. He stated that Steve Nixon would be attending one of the sessions and if any Supervisor felt he or she needed a refresher course and would like to attend, please let Mrs. Crane know.
2. Legislative Day is February 12, 2004 at the Omni Richmond Hotel.

The County Extension Leadership Council Annual Dinner Meeting is being held tonight, December 2nd, starting at 5:00 p.m.

CLOSED SESSION

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) Prospective candidates for appointment to Ad-Hoc Animal Shelter Advisory Committee; (B) no prospective candidate for appointment to the Disability Services Board; (C) prospective candidate for appointment to the Rappahannock-Rapidan Regional Commission; (D) prospective candidate for appointment to the Human Services Board (a/k/a Social Services Board); (E) prospective candidates for reappointment to the Rappahannock-Rapidan Community Services Board; (F) prospective candidates for reappointment and appointment to the Planning Commission; and (G) prospective candidates for consideration for appointment to various Boards.
2. Under *Virginia Code* §2.2-3711(A)(1), to consult with the County Attorney regarding pay disputes with specific employees.
3. Under *Virginia Code* §2.2-3711(A)(7), to consult with the County Attorney regarding

litigation relating to land use of a specific property.

4. Under *Virginia Code* §2.2-3711(A)(30), to discuss with the County Attorney the award of a specific public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

~~5. Under *Virginia Code* § 2.2-3711(A)(5), to discuss with the County Attorney a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community [Deleted]~~

Mrs. Hansohn seconded.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Nay - Chase

Motion carried 6 to 1.

Mr. Coates recessed the meeting at 11:35 a.m. for lunch break.

The Board entered into closed session at 1:00 p.m. under motion previously stated.

The Board returned to open session at 2:22 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase was not present for the closed session.

Ayes - Walker, Lee, Coates, Smith, Rosenberger, Hansohn.

Absent - Chase.

Mr. Coates asked that the record also show that Mr. Steve Nixon was present for the closed session.

RE: APPOINTMENTS TO THE AD-HOC ANIMAL SHELTER ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mr. Lee, to appoint William C. Chase, Jr., Mary Dale and Patricia Sautel to the Ad-Hoc Animal Shelter Advisory Committee.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

RE: REAPPOINTMENT TO THE RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION

Mr. Walker moved, seconded by Mrs. Smith, to reappoint Ruth B. Updike to the Rappahannock-Rapidan Regional Commission.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

RE: APPOINTMENT TO THE HUMAN SERVICES BOARD (A/K/A SOCIAL SERVICES BOARD)

Mr. Walker moved, seconded by Mrs. Smith, to appoint Jane C. Pollard to the Human Services Board.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

RE: REAPPOINTMENT TO THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD

Mr. Walker moved, seconded by Mrs. Smith, to reappoint Eileen E. Peet to the Rappahannock-Rapidan Community Services Board.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

RE: REAPPOINTMENTS TO THE PLANNING COMMISSION

Mr. Walker moved, seconded by Mrs. Smith, to reappoint Dr. G. Russell Aylor, Jr., Lucille K. Price, and Sanford Reaves, Jr., to the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

RE: DISPATCHER PAY

Mr. Walker moved, seconded by Mrs. Smith, to retroactively approve, solely for the pay period including July 1, 2003, that the full-time dispatchers employed in the E-9-1-1 dispatch center during all or part of that pay period be paid pursuant to the pay practices of the E-9-1-1 dispatch center being used on July 1, 2003.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

RE: MOTOROLA CONTRACT

Mr. Walker moved, seconded by Mr. Lee, to approve a contract between the County of Culpeper and Motorola for Motorola to provide an E-9-1-1 communications system, which contract is to be executed by the County prior to January 1, 2004, and shall include financial incentives provided by Motorola in the amount of no less than \$702,255. John F. Coates, Chairman of the Board of Supervisors, is hereby authorized to execute the contract on behalf of the County when, upon consultation with the County staff and the County's consultant CTA, he concludes that these requirements are met and that the proposed contract is in the best interest of the County.

Mr. Walker asked for clarification for awarding the contract to another contractor if Mr. Coates so desired. Mr. Maddox stated that the motion did not take away that option.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

ADJOURNMENT

Mrs. Smith moved, seconded by Mrs. Hansohn, to adjourn at 2:26 p.m.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Absent - Chase

Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio, Clerk to the Board

APPROVED: January 6, 2004

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AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF
SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON
TUESDAY, DECEMBER 2, 2003

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Brad C. Rosenberger
Carolyn S. Smith

Newly Elected Supervisor:

Steven E. Nixon

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m. and welcomed

everyone to the meeting.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Woody Van Valkenburgh, President, Rappahannock Goodwill Industries, was accompanied by Eldon James, a Board member. He reported on operations of the Rappahannock Goodwill Industries, headquartered in Fredericksburg, that recently expanded into Culpeper with ten employees. He distributed copies of RGI's *Report to the Community 2002* and explained that in addition to the retail stores, RGI provided vocational and educational services and employment opportunities to citizens with disabilities and other barriers to employment, and they were always looking for collaborative opportunities to serve the community. He described their Wheels to Work Program, in which donated vehicles were used, directly or indirectly, to help create work opportunities for people with no transportation. In addition to the four retail stores, the organization operates a commercial laundry, provides administrative and custodial services, and operates a packing and assembly plant. He said that RGI recently implemented a workforce development group in the Rapidan Regional Jail to provide inmates with life skills and anger management training to assist them when they were released. They had expanded the program to include providing free keyboarding to assist individuals in finding jobs or enhancing their present jobs. He said that he was looking forward to working with Culpeper's local governing bodies, school systems, citizens, and families in developing and sustaining mutually beneficial relationships.

With no further comments, Mr. Coates closed the Citizens Forum.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mr. Lee moved, seconded by Mr. Walker, to move Items 4 through 8 ahead of Item 2 in order to act on cases that could be heard quickly. He noted that Item 2 would involve a lengthy public hearing.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

PUBLIC HEARING

THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS AND CONSIDER

**AMENDING CHAPTER 12 (TAXATION) AND ADD A NEW ARTICLE TO BE ENTITLED
"BUSINESS LICENSE FEE" TO THE COUNTY CODE**

David Maddox, County Attorney, informed the Board that the proposed business license fee would apply only to for-profit and nonprofit businesses located within the County, and would not include the Town since it already had a business license. He noted that the primary purpose of the ordinance was to identify and locate the numerous businesses operating in the County. He said that the annual fee of \$50 per business would cover the administration of the program that would become effective March 1, 2004 and, thereafter, would be due prior to March 1st of each year.

Mr. Chase stated that he had received an inquiry from an individual who sewed for others in her home and asked if the business license fee would apply to her. Mr. Maddox stated that it would apply to all individuals who were paid for their services.

Mr. Coates opened the public hearing and called for public comments.

With no comments, Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Walker, to adopt the ordinance.

Mr. Chase expressed his concern regarding the ability to enforce the ordinance. Mr. Maddox stated that most people in the County were required to file with the Commissioner of the Revenue and/or the Treasurer for various licenses, fees, and/or taxes, and those offices would be cross-referencing their payments to determine whether a business was involved. He noted that it might take some time to determine the existence of home-based businesses, but the County would not be hiring people to go out and search for businesses. He believed that the citizens in business would act in good faith and file for a license. He stressed that it was important to know, from an economic development standpoint, what resources were located within the County so that when outside businesses were interested in locating here, they could be provided with information on existing businesses and services already available.

Mr. Coates asked for clarification regarding nonprofit organizations. Mr. Maddox stated that a 501(c)(3) nonprofit was providing a service and would be a business under the ordinance and must obtain a business license.

Mr. Chase inquired whether a church having fund-raising dinners would require a business license. Mr. Maddox stated he did not believe that there were any exemptions specified in the ordinance, but he would research whether a church would fall under the

ordinance.

Mr. Rosenberger stated there were many unanswered questions, specifically regarding certain entities that may be exempt, and suggested that staff look at the State Code to determine what exemptions might be allowable.

Mrs. Hansohn withdrew her motion. Mr. Walker agreed to the withdrawal.

Mr. Coates stated that the item would be returned to the Rules Committee for further study.

NEW PLANNING COMMISSION BUSINESS

ADDITION TO THE DEATHERAGE RUN AGRICULTURAL AND FORESTAL DISTRICT.

Request by David and Christine Haley to add 30.50 acres to the Deatherage Run Agricultural and Forestal District. The property is located off Route 621 in the Jefferson Magisterial District. Tax Map/Parcel No. 15/20A.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing was held. He said the Planning Commission concurred with the Agricultural and Forestal District Advisory Committee that the property, based on its agricultural value, was an appropriate addition to the district. The Planning Commission was recommending to the Board of Supervisors that this addition to the Deatherage Run Agricultural and Forestal District be approved and the ordinance modifying the district be adopted.

Mr. John Egertson, Planning Director, displayed a tax map that highlighted the location of the existing Deatherage Run Agricultural and Forestal District and the parcel being considered for addition. He said that the Planning Commission and the Agricultural and Forestal District Advisory Committee had recommended that the property would be a valuable addition to the district, and it was ready for the Board's consideration.

David Haley, applicant, was present to represent the request.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mr. Walker, to accept the Planning Commission's recommendation and approve the addition to the Deatherage Run Agricultural and Forestal District.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. Z-390-03-1. Request by Richmond American Homes of Virginia to rezone 40,435 square feet from VC (Village Center Commercial) to R-2 (Residential) and R-2 (Residential) to VC (Village Center). The property is located off Route 694 in the Stevensburg Magisterial District. Tax Map/Parcel No. 41/71.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the rezoning request to be consistent with the Comprehensive Plan. He said that the Planning Commission was recommending to the Board of Supervisors that this rezoning request be approved.

Mr. Egertson displayed a tax map highlighting the location of the property being considered for a rearrangement of existing zoning. He indicated that the square footage in question had been zoned R-2 (Residential) and VC (Village Center) as part of a package in 1996. He explained that Richmond American Homes learned, while developing its proposed subdivision, that VDOT's connection point to Ira Hoffman Lane would be within the Village Center zoning. The applicant would like to accommodate VDOT's request to locate the entrance there by downzoning the square footage involved from Commercial to Residential, and replace the Village Center zoning, which could be commercially developed. He pointed out that it was a tradeoff to accommodate the appropriate access point for the subdivision, and it was recommended for the Board's approval.

Robert E. Burr, applicant, was present, to answer questions.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the Planning Commission's recommendation and approve the rezoning request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO. U-2033-03-1. Request by Robert R. Colding for approval of a use permit for a Package Sewage Treatment System for a single-family dwelling. The property is located off Route 647 in the Stevensburg Magisterial District and contains 4.44 acres. Tax Map/Parcel No. 65A(1)/1.

Mr. McLearen informed the Board that the Planning Commission had considered the

case and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said that the Planning Commission was recommending to the Board of Supervisors that this use permit be approved for a period of five (5) years, with the condition that prior to constructing the system, an easement to accommodate an outflow pipe and maintenance thereof must be recorded among the land records of Culpeper County from parcel 65A(1)/1 to an approved discharge point on parcel 65A(1)/3.

Mr. Egertson displayed a tax map that highlighted the location of the property being considered. He explained that the applicant owned the lot, and others in close proximity. He noted that the lot had been created prior to zoning in 1967 and held no opportunity for a traditional septic system. He said the lot was eligible under the County Code for an alternative treatment system, with the caveat that a formal easement be recorded to allow for a point of discharge involving another property owner. With that condition, it was recommended for the Board's approval.

Robert Colding, applicant was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the recommendation of the Planning Commission and approve the request with the stated condition.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

CASE NO U-2037-03-1. Request by Andrew W. and Jill A. Geisler for approval of a use permit for construction of a tenant unit. The property is located on Route 670 in the Stevensburg Magisterial District and contains 21.20 acres. Tax Map/Parcel No. 46B(1)/5.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved based upon the condition that the proposed tenant unit must be occupied by an immediate family member or utilized as guest quarters; and rental of the unit would be prohibited.

Mr. Egertson displayed a tax map that highlighted the location of the property being

considered. He explained that the applicant wished to build a detached garage with an apartment above the garage to provide housing for the property owner's mother. He said that the request met the spirit and intent of the County ordinance with the condition imposed, and it was recommended for the Board's approval.

Andrew Geisler, applicant, was present, to answer any questions.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to accept the recommendation of the Planning Commission and approve the request with the stated condition.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

SIX-YEAR SECONDARY ROAD IMPROVEMENT PLAN. The Virginia Department of Transportation and the Board of Supervisors of Culpeper County, in accordance with Section 33.1-70-01 of the *Code of Virginia*, will conduct a joint public hearing in the Board of Supervisors Meeting Room, 302 N. Main Street, Culpeper, Virginia at 7:00 p.m. on Tuesday, December 2, 2003. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2004/05 through 2009/10 in Culpeper County, and on the Secondary System Construction Budget for Fiscal Year 2004/05.

Mr. Egertson stated that the Board had been provided with (1) a proposed Culpeper County Six-Year Priority List 2004-2010, (2) the adopted 2003 VDOT Construction Program for reference, (3) the proposed VDOT Construction Program for 2004/05, and (4) the auxiliary list of projects that had been requested in the past. He explained that the Planning Commission and the Board of Supervisors reviewed the six-year plan every other year, as required by the State. He noted that the Board had a policy of adding projects only to the end of the list and, once projects were added, they moved up in order. He pointed out that the construction program had been prepared by VDOT, based upon the County's adopted plan, and had been balanced with the available funding. He said that Mr. Donald Gore, VDOT Resident Engineer, had provided the Board with a revised construction plan, but the priorities remained the same as those previously submitted.

Mr. Egertson informed the Board that the Planning Commission had reviewed the

six-year priority list, held a public hearing, and recommended that no additional projects be added to the plan. He pointed out that the County plan currently contained 23 projects, but the VDOT construction program included only the first 16 projects since the remaining seven projects were unfunded. He stated that the Planning Commission and staff strongly recommended that the Board not add any new projects to the list this year. He further stated that the resolution before the Board had been prepared in accordance with the State format and was recommended for adoption.

Mr. Gore was present to answer any questions from the Board.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Coates asked Mr. Gore to give the Board an estimate on when construction could be expected on the top priority roads shown on the six-year list.

Mr. Gore reported that:

1. Route 647, Batna Road – replacement bridge over Brook Run had been completed; the bridge approaches had been completed with the exception of final pavement and guard rails.
2. Route 729, Eggbornsville Road – under construction.
3. Route 706, Glen Ella Road – under construction; it was anticipated that it would be paved this year, but the weather had prevented that from occurring.
4. Route 646, Old Stillhouse Road – pending VDOT's obtaining donated right-of-way; it was anticipated that process would be finished this winter.
5. Route 711, Bleak Hill Road – pending the completion of obtaining right-of-way, which was virtually finished; an advertisement date of November 2004 was anticipated.
6. Route 720, Cedar Run Church Road – pending obtaining donated right-of-way; VDOT would begin the process of requesting right-of-way this winter.
7. Route 732, Halls Road – to be done with State forces in 2004; VDOT had completed right-of-way process.
8. Route 620, Edwards Shop Road – required financing; anticipated to start in 2009.
9. Route 644, Reva Road would be started this winter.
10. Route 745, Lanes Farm Road – right-of-way obtained; forms still need to be signed.

Mr. Gore noted that the three projects ahead of Route 745 (Route 707, Slate Mills Road; Route 639, Holly Springs Road; and Route 626, Holly Springs Road) would take a

considerable amount of money to finish, and VDOT had moved Route 745, Lanes Farm Road, ahead of them rather than leave money unused for a couple of years. He also noted that VDOT had moved Routes 657, 775, 681 and 751, totaling \$1.585 million, from the auxiliary list to the Six-Year Plan, leaving approximately three years of work and almost \$5 million on the auxiliary list.

Mr. Rosenberger asked whether VDOT was going to move funding for Route 745 ahead of Routes 639 and 626. Mr. Gore stated that both Routes 626 and 639 were long projects which VDOT would have to fund over four years because they involved rights-of-way and moving utilities. Mr. Rosenberger expressed his concern regarding that decision because it had been the Board's policy to maintain the priorities on the six-year road plan. He felt that VDOT should use the available funds on projects in the order listed. He said he appreciated Mr. Gore's position, but it was not fair to the residents who had waited so patiently and diligently to have their roads improved.

Mr. Gore and Mr. Rosenberger discussed problems with obtaining rights-of-way and the policy of obtaining donated rights-of-way rather than purchasing them.

Mr. Coates inquired whether there was an alternative to connecting Route 707, Slate Mills Road, with Route 522, in view of the inability to obtain right-of-way. He expressed his concern regarding the problems at Boston and suggested O'Bannon's Mill Road be considered as an alternative. Mr. Gore recalled that there had been the possibility of getting something done in conjunction with development in that area, but he had not heard anything further. Mr. Coates stated he felt that VDOT should explore that possibility.

Mr. Coates inquired whether there would be a shortfall in transportation revenues due to funds used to clean up after Hurricane Isabel. Mr. Gore stated that was a possibility that severe weather would affect the funding for the construction program, but he would not know until in the spring.

Mr. Lee asked about the status of right-of-way on White Shop Road. Mr. Gore replied that VDOT had made no progress in obtaining right-of-way there. Mr. Lee felt it would be worth VDOT's time to pursue the issue further.

Mr. Lee moved, seconded by Mr. Walker, to approve the Resolution on the Six-Year Secondary Road Plan and Construction Priority List.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 7:50 p.m.

Mr. Coates called the meeting back to order at 7:55 p.m.

GENERAL COUNTY BUSINESS

RE: WATER AND SEWER AGREEMENT

The Board will consider a Utility Agreement with South Wales, Utility, Inc., which would address the water and sewer systems proposed to serve the Clevenger's Corner Area.

Mr. Egertson stated that this item had been placed on the agenda because it was closely related to the Centex rezoning request, which was next on the agenda. He explained that the water and sewer agreement was a document that would address the possibility of the County's owning and operating the water and sewer system in the Jeffersonton or Clevenger's Corner area. He said that the agreement included a lot of details and technical issues that would need to be resolved before staff could recommend moving forward with the Centex rezoning case. He stated that it was his understanding that the applicants would like to see this matter delayed.

Mr. Chase asked if 120 days would be enough time to resolve the issues. Mr. Egertson stated that he would defer to the County Attorney for an answer, but it was his feeling that it should be considered in conjunction with the rezoning request. Mr. Maddox concurred that it should be postponed for a definite amount of time and should be considered with the rezoning case.

Butch Davies, attorney for applicant, stated that Jim Ryan, the attorney who had been working on the water and sewer agreement, was present to provide the Board with a brief update. He stated that he and the applicant concurred with the staff's recommendation that this be tabled until the Board's April meeting, so that it would coincide with the recommendation that would be proposed to the Board on the actual rezoning request.

Mr. Maddox stated that it should be made clear and on the record that it was the applicant who was requesting a delay until April, and not the staff.

Jim Ryan, attorney with Troutman Sanders, informed the Board that he had been working on the water and sewer agreement with the County Attorney and staff, and the original terms proposed by the County had not been changed. He said the applicants would build at their own expense a new waste water treatment plant with water wells and give those to the County in exchange for the connection taps that were the subject of the

rezoning. He reminded the Board that the waste water treatment plant was permitted in 1989 and was designed to meet the strict permit limitations the State Water Control Board imposed to protect the Rappahannock River. He noted that the design engineer had included in his design the limitations that must be met for phosphorus and nitrogen, the nutrients subject to the Chesapeake Bay protection, and his design would meet those limits and protect the water quality of the Rappahannock River. He said that even though these limitations were not part of the current permit, they would be included at the time the plant was built.

Mr. Ryan stated that he did not have an agreement to present to the Board at the present time, but felt that he and the County Attorney were very close in resolving legal questions. He said that County staff and consultants had a number of technical questions, and they had visited a similar waste water treatment plant in Florida in an effort to resolve those issues. He stated he was confident that the legal and technical questions could be resolved in the next month or two, and he would be able to bring a contract to the Board in connection with the rezoning case.

Mr. Ryan said that the applicants had agreed to operate the new waste water treatment plant the first year it was in operation to demonstrate that the plant worked and met the waste water treatment limitations imposed in the permit. He stated that County staff would be trained to operate the plant at no cost or liability to the County during that time period. He further stated that South Wales Utility owned the existing utility works and was a proponent of the party that would build the new plant. He added that performance under that contract would be guaranteed by the applicants, at the request of the County.

Mr. Rosenberger asked what the standing of the consent order was relative to the existing plant. Mr. Ryan stated he did not know the current status, but he was aware that the State Water Control Board was interested in having a new plant built. The old plant was under an order requiring the South Wales Utility Company to build a new plant as a long-term solution for waste water treatment because the old plant built 30 years ago was not designed to meet all of the most current water pollution controls.

Mr. Coates opened the public hearing and called for public comments. He stated that a decision as to whether this matter would be tabled was entirely up to the Board, but any citizen who would like to be heard would be allowed to speak.

Mrs. Howard, Jefferson District, distributed pictures taken less than 100 yards from

the location of the proposed sewage treatment plant which indicated the low water condition of the Rappahannock River. She also distributed an article regarding Clean Water Act violations by Centex Homes in Fairfax County. She stated that the applicant had been given ample time to have a complete water study done.

Peter Stetson, Jefferson District, expressed his concern regarding the 857,000 gallons of discharge per day that had been reapproved by DEQ. He stated that he had asked the applicant to build a 1-million-gallon-per day discharge sewage facility which would protect the Rappahannock River and the Chesapeake Bay.

Perry Cabot, Jefferson District, Vice President of Concerned Culpeper Citizens, Inc., informed the Board that CCC had called the staff's attention to two technical errors and two general errors in the draft agreement, and they would be providing them with more details in the near future.

With no further comments, Mr. Coates closed the public hearing.

Mrs. Hansohn asked Paul Howard, Director of Environmental Services, to provide an overview of the agreement and to report on the similar system he visited in Florida.

Paul Howard reported that he did visit a waste water treatment plant in Marco, Florida that was very similar and the same size as the one being proposed for South Wales for 300,000 gallons per day. He said the facility had only been in operation for three months, and the operators provided him with information on things they would change or do differently. He noted that the permit limits in Florida were significantly less stringent than the ones he was dealing with here and, with the climate in Florida being warmer than in Virginia, he was concerned about the ability to meet some of the nitrogen and phosphorus limits during the winter. He said he had taken some of the recommendations received from the operators in Florida to Centex, and there were still issues to be resolved.

Mrs. Hansohn asked how many other similar plants were in operation in the United States. Mr. Howard replied that the vendor of the Florida plant had given him only one other plant that was of similar size, but it was for an industrial facility in South Carolina. He stated that the technology was relatively new and had been brought from Europe to the United States. He said there were numerous other facilities in the United States, but they were much smaller than the one being proposed here.

Mr. Lee moved, seconded by Mr. Walker, to postpone the agreement for 120 days until the April Board meeting.

Mr. Rosenberger asked if there were any limitations on the amount of time this could be tabled. Mr. Maddox replied that there was not. Mr. Rosenberger suggested that it might be more appropriate to delay it for six months to allow it to be completed.

Mr. Walker stated that the applicant had asked for 120 days, and if it went beyond that time, there may be an implication on the water and sewer agreement. Mr. Maddox stated he would check to determine whether this particular contract would have the same time limitation as the rezoning situation.

Mr. Rosenberger pointed out that he had asked earlier if there was a time limitation on the amount of time the agreement could be tabled. Mr. Maddox stated that this was a contract and a separate item, and he did not know of any limitation that either the Board could extend it or the applicant could ask for. He said that the applicant had asked for 120 days to April, but the Board could do something else if it so chose.

Mr. Rosenberger stated that he would not support the motion because he felt more time would be needed to resolve the issues.

Mr. Coates called for voice vote, and then a show of hands.

Ayes - Chase, Coates, Lee, Walker

Nay - Hansohn, Rosenberger, Smith

Motion passed 4 to 3.

UNFINISHED PLANNING COMMISSION BUSINESS

CASE NO. Z-383-02-1. Request by Centex Homes, Kenneth Thompson, Minnie Thompson, Newwales, L.C., South Wales Utility, Inc., and South Wales, L.P. to rezone 1,754.07 acres from A-1, RA, R-1 and R-2 to PUD (Planned Unit Development). The property is located on Routes 211, 229 and 621 in the Jefferson Magisterial District. The Culpeper County Comprehensive Plan designates this area for commercial, low and medium density residential development. Tax Map/Parcel Nos. 7/1, 1A, 1B, 1C, 2, 2A and 8/1 (Portion), 1B.

Mr. Egertson stated that this case had been continued from the Board's November meeting, and he had provided each Board member with a revised set of proffers dated November 20, 2003, which followed a set of proffers received by staff on November 18th. He pointed out that the differences between the two documents were minor, but were significantly different from the October 24th version of the proffers which the Board received last month. He said that all of the other documents received last month were basically

unchanged.

Mr. Egertson informed the Board that they had received an updated staff report, dated November 17, 2003, with an addendum dated November 25, 2003, which outline a number of unresolved concerns which staff continued to have with this proposal:

1. Transportation impacts had not been fully addressed: (a) VDOT review was incomplete; (b) the ultimate solutions with regard to the treatment of Routes 622 and 621 had not been identified; (c) levels of service remain in question; (d) traffic signal placements had not been finalized; and (e) widening of Route 229 was still being discussed.
2. Water quality and quantity appear to be adequate, but final study results were still being wrapped up and further staff review would be required.
3. The water and sewer agreement was in its final stages but was incomplete.
4. The proffers must be fully reviewed by VDOT, and further staff review would be necessary.
5. There were land use/design issues in which staff would like to see further refinement; specifically, the amount of commercial square footage was excessive, the placement of townhouses, and diversity of housing in general should be revisited, and the Board needed to discuss the proposed library site to determine its viability.

The staff report dated November 25th indicated that staff would not support a 30-day delay of this case because it would not allow sufficient time to resolve all of the issues. It would certainly not allow enough time for VDOT to complete its review.

Mr. Egertson indicated that he had distributed to each Board member a memo with some attachments, including a written request from the applicant to table this case until the next regular Board meeting. He said that request had been withdrawn and replaced with a request to table the case until April. He pointed out that a letter attached to the memo requesting delay until April indicated that it was in response to a suggestion from staff that the case be delayed for 120 days. He said he had put the applicant on notice sometime ago that 30 days would be insufficient time to resolve the outstanding matters, but he wanted to make clear that it was not staff's suggestion or recommendation to delay the case for 120 days. He added that there was also a letter from VDOT indicating their concerns with having adequate time to review the materials.

Mr. Egertson stated that he had provided a time line indicating the history of this

case, going back to October 31, 2002. He said the purpose of the time line was also to alert the Board that it still had 150 days to act upon this request, based upon State Codes. He noted that would allow a delay until the April Board meeting at the latest, and the time issue was not a factor in light of the fact that the request was coming from the applicant, should the Board decide to honor that request.

Mr. Egertson listed the following three options for Board action this evening: (1) Act upon this case this evening; (2) accept the applicant's request to delay this matter until the April Board meeting; or (3) delay the matter at the Board's discretion for some other period of time, but not to exceed 150 days.

Mrs. Hansohn asked whether the request could be returned to the Planning Commission. Mr. Egertson replied that it would be possible and within the Board's discretion.

Mr. Coates stated that in conversation with a couple of members of the Planning Commission, they indicated they had not had a chance to review the current proffers now before the Board. Mr. Egertson agreed that the proffers had been changed substantially since the Planning Commission took action on them.

Mr. Coates informed the public that they had heard the request by the applicant to table the request for 120 days, and he would open the public hearing after the applicant had spoken.

Butch Davies, attorney representing the applicant, informed the Board that the same energy that had expended on the water and sewer agreement, had been expended on the other issues to resolve technicalities and issues raised by staff, VDOT, and others. He explained that the reason for the delay in requesting the 120-day extension was because one of the applicants had been out of the country and they needed to obtain his concurrence. He said that 120 days would provide time for staff to address issues, for VDOT to address its concerns, and to allow time for the applicant to provide additional water information about which so many citizens had voiced concern.

Mr. Davies stated that a brief overview would be provided by Dick Keller on transportation issues, Jamie Emery on groundwater concerns, and John Foote on proffer modifications.

Dick Keller, Kellerco, informed the Board that since his last presentation at the November meeting, he had met with VDOT staff to discuss the synchro and AM-PM peak

hour analyses for the intersections, as well as the Route 229 link analysis, and to confirm that the applicant would meet and satisfy VDOT's level of service criteria. He said after that meeting, he did additional synchro analyses to reflect some suggested improvements by VDOT staff, and met with VDOT again to discuss those details. He reported that the outstanding technical issues had been resolved, and he was scheduled to meet December 9th with VDOT staff and others to discuss the transportation proffers in more detail to ensure that the improvements were in place at different phases of the project to meet the level of service and criteria required by VDOT.

Jamie Emery, Emery and Garrett Groundwater, stated that he was near concluding a two-year groundwater exploration development program and had presented the results of the testing programs to the Board in November. He explained that he had done a groundwater exploration program of the entire study area, including the property identified for production well targets and had conducted long-term pumping tests on those targets. He said that the State required pumping 48 consequent hours, but they had exceeded that by pumping an average of 88 hours for each of the four wells. He noted that he was able to determine there would be no impact on off-site domestic wells by monitoring 23 observation wells. He stated that water samples from all four on-site wells showed that water quality was excellent and had no bacteriological contaminations. He further stated that the groundwater monitoring plan had been presented that would be in place for several years after the beginning of the use of this particular groundwater system. He provided statistical data that would indicate a very good groundwater supply, a substantial capacity of very good quality, in an area that he felt could be protected for the long term and serve the County well over the course of the future use of the subdivision.

Mrs. Hansohn asked Mr. Emery how he could determine from his studies what would occur during a drought situation similar to that experienced by the County the past several years when many people's wells had been affected. Mr. Emery replied that issues with a drought were something that could not be absolutely duplicated during a testing program because they were not able to do the testing necessary during a drought when it occurred, but felt that the additional pumping over what would be potentially utilized provided a buffer for what might occur during a drought. He pointed out that during a drought there would be less water feeding the groundwater system, but that would not impair the ability for the rocks to transmit the amount of water that would come into that

system. He said, in addition, there would be water from a storage system and reduced usage would be required.

Mrs. Hansohn asked what comfort level could be given to the residents in the area who had their wells already impacted by the drought. Mr. Emery replied that he did not know what people had been impacted, but he learned from prior experience that wells that had suffered from the drought had been very shallow board wells that already had recorded problems in previous dry periods. He stated that all of the water systems that had been installed, similar to the one proposed, had experienced no issues with drought nor had there been adverse impacts to nearby domestic users.

Mr. Coates asked whether Mr. Emery had stated the depth of these wells. Mr. Emery replied that he had in previous reports and did not have the exact information, but estimated that the wells were between 400 and 500 feet. He stated that the depth of a well would have virtually no impact on off-site users, but would have an impact when the water level was drawn down.

John Foote, attorney, explained that every application evolved and proffer changes occurred, but in his 30+ years in local government law, the case before the Board did not have near the record number of proffer submissions that he had seen in a case of this complexity and importance to a jurisdiction. He explained that:

1. The proffers had been amended to specifically indicate that in addition to having an adequate and safe supply of water, there would no impact on off-site systems, and in the event there was an impact on off-site systems attributed to the development of these wells, the system would be extended to protect those individuals.
2. The proffers had been amended to provide for eight building lots to be given to Habitat for Humanity, with a stipulation that two of those lots could be sold by Habitat for the purpose of raising funds necessary to construct affordable housing on the other lots.
3. The transportation proffers had been changed to reflect transportation improvements discussing extensively with VDOT, and Appendix C had been added which contained a series of graphics depicting the six phases of the transportation system in detail.

Mr. Rosenberger questioned Mr. Foote regarding the number of proffers being less than the number associated with a proposal of this size and magnitude. Mr. Foote replied that he had been referring to the proffer revision dates and that the seven amendments to the original statement of May 28, 2003 were not even close to the record number.

Steve Plescow, Centex Homes, acknowledged that the case involved a very

complicated application, and the aspects of the project had been studied in more detail and thoroughness than any other project in County history and the proffers were the most complex in detail than any in County history. He stated the project had been in the works for over a year, and most of the studies had been completed. He said that they had worked diligently with staff, Planning Commission, members of the public, and members of the Board to address the requirements for a village center. He pointed out that the village center concept had been on the books in the County for more than 20 years, and it allowed the County to direct growth to areas that had the infrastructure to handle growth, while allowing the rest of the County to remain rural residential. He said that Centex wished to implement the vision that was outlined in the Comprehensive Plan. He stated that the project was approximately 95 percent completed, and he was asking for a 120-day deferral in order to finish the last 5 percent. He recalled that at the beginning of the process, he had been told that this project would be held to a higher standard than any other project in County history, and he felt that the finished product would set the standard for proffers and villages in the County.

Mr. Coates stated that when the Board met last month, it did not close the public hearing. He said that everyone who wished to speak would be allowed to do so and invited those to speak first who did not have a chance to speak last month. He indicated that there was a request before the Board for a 120-day extension and that decision would be considered and decided entirely by the Board.

Frank Walusek, Jefferson District, commended the Planning Commission for its work in developing a comprehensive village center plan, and he urged the Board to consider their input. He expressed his concerns regarding (1) the financial burden the project would place on the County initially for necessary services until there would be sufficient homeowners and businesses to support them; and (2) the additional burden that would be placed on local law enforcement because of the easy access to/from Route 211 and Route 229 to the project. He recommended that the Board grant 120 days in order to consider these indirect problems that had not been addressed in the Centex plan.

Mary Timberman, Jefferson District, expressed her concern regarding the water supply that could be affected by droughts. She felt that many residents' wells would fail during a drought because the new wells would siphon off underground water.

Loree Allen, Jefferson District, urged the Board to deny the application because of its historic consequences. She distributed a copy of a letter which her son, Christopher Allen,

wrote from college, urging the Board to vote no on the application. She pointed out that the property was located at the gateway to Culpeper County, and the rural character of the County would be lost forever if the application were approved. She added that the plan submitted did not follow the County's master plan and the road and water/sewer improvements would accelerate commercial development between Culpeper and Warrenton, as well as put a strain on County resources and result in higher taxes. She said also that issue of water availability and consumption was still unresolved.

Barbara Groshans, Jefferson District, spoke in opposition to the application and expressed her concerns regarding the anticipated tax increases that would ensue as soon as Centex starting building. She said that the development would adversely affect Culpeper County because it would lose its small town atmosphere, wildlife would be displaced, and the water supply would be jeopardized.

Paul Desimone, Jefferson District, read a portion of an article from the October 29th issue of *The Washington Post*, regarding the lobbying interests financed by developers and building contractors in Loudoun County to replace the existing "slow growth" supervisors in the November election with a development-friendly majority. He asked the Board to be alert to the interests of big business and to deny the request.

Cindy Thornhill, Salem District, urged the Board to look at the rezoning request from the standpoint of fiscal responsibility and to vote against the rezoning and the 120-day extension. She stated that her biggest concern, besides water and transportation, was the high costs that would be required for the school system.

Kelly Davenport, Catalpa District, stated that as a school bus driver and substitute cafeteria worker in the school system, she was concerned about the already overcrowded schools, the shortage of school bus drivers, and the increase in taxes that would be required to provide for more schools and buses.

Don Webb, Jefferson District, inquired whether the County had prepared a cost benefit analysis to determine the additional costs to the County versus the benefits the County would receive. He urged that the Board consider this approach prior to making its decision.

Doug Mayhugh, Stevensburg District, stated he was a dairy farmer and he was concerned about preserving open space, as well as the cost to provide for additional services such as law enforcement, fire and rescue, and schools. He asked that the Board to deny the proposal to save the open space in the County because open space would not

require such things as schools, police protection, and fire/rescue.

Jeanette Edwards, Jefferson District, spoke in opposition to the plans to develop Clevenger's Corner and enumerated her concerns in detail. She stated emphatically that the majority of the citizens do not want the project. She said she had asked a Centex representative at the last meeting whether he could provide references, and he had advised her tonight that he was still putting the information together for her. She pointed out that the community had not reached a consensus on what kind of growth was right for Culpeper County, and she offered to work with the County and interested citizens in learning what the Comprehensive Plan meant by a village center and to gather information on options already tried in other communities.

Francis Updike, Cedar Mountain District, spoke in favor of the application and stated that the Board needed to hear from the silent majority who were not present. He said that the Comprehensive Plan was for the entire County, not just Jeffersonton. He pointed out that the property in question was probably more suited to housing than farming, and he would prefer to save other land that was more suitable for farming. He also pointed out the concerns about schools and stated that the demand for schools had already increased due to the recent development within the Town. He asked the Board to grant the applicant sufficient time to complete his work and to make its decision on fact rather than emotion.

William McMichael, Jefferson District, stated that he was a resident in South Wales and was interested in the water issues. He asked the Board to consider asking South Wales Utility Company for their records during the last drought when well #1 ran dry and residents were asked not to water their lawns or wash their cars. He asked the Board to consider this request very seriously.

Bert Davenport, Jefferson District, spoke in opposition to the request and expressed his concerns that the country way of life might be destroyed. He urged the Board to deny the request to rezone.

Phyllis Judd, Jefferson District, asked the Board to deny the request and not take the rural way of life away from the citizens. She stated she was a lifelong resident of the County and was born on the land that was now South Wales.

Maria Gabriel, Jefferson District, spoke in opposition to the proposal and stated that her major concern was that the rural nature of the County be preserved. She spoke at length regarding the beauty of the area and its approach to the Blue Ridge Mountains. She stated that she understood the need for growth, but felt that the plan had not provided

sufficient affordable housing.

Perry Cabot, Jefferson District, Vice President of Concern Culpeper Citizens, Inc., spoke at length in opposition to the project for the following reasons:

1. It doesn't fit, either physically or socially-culturally;
2. It won't pay because the cash flow for the County was estimated at 8.3 percent rather than the 35 percent on margin that had been cited; and
3. It won't happen as described because the commercial component was too large to be absorbed on any timetable even remotely resembling the one described.

Mr. Cabot stated that the budget would have a countywide effect, and not just on Jeffersonton. He said that CCC felt that the Comprehensive Plan was a realistic and commonsense approach to growth in the County, and the proposed project did not fit Chapter 12A. He felt that if the Board decided to delay for four months that the time should be spent by the applicant to create a design which would work for Culpeper.

Scott Iler, Jefferson District, stated that his two major concerns were the traffic, roads and transportation problems that would be created by this development; and the overcrowded schools.

Jacques Queen informed the Board that he opposed the rezoning even though he did not live in Culpeper County. He stated that his farm was located across the Rappahannock River from South Wales, and he had appeared before the Planning Commission on several occasions and this was his second appearance before the Board to express his concerns regarding the impact the development would have on his farm with the proposed sewage treatment plant located so close to his property line and the impact of additional traffic on the road system.

Aaron Greso, West Fairfax District, stated that the project "fit like a bad shoe." He said he had attended most of the hearings, and he felt the applicant did not deserve another delay. He called upon each Board member by name and asked him/her to vote against the tabling and against the rezoning.

With no further comments, Mr. Coates closed the public hearing.

Mr. Coates stated that the request before the Board was for the rezoning to be postponed, mainly because of the transportation plan. He stated he had looked at the plan with VDOT and also had some questions. He recalled that a few years ago, the County had a transportation plan and he had some ideas for relocating Route 229 opposite Route 622, with the idea that there would be an interchange there in the future in an effort to protect the

property and scenic view in the area. He agreed with VDOT that the plan did need some further study.

Mrs. Hansohn stated that the Comprehensive Plan did address what a village center should be and she knew that Centex had a copy and that the Planning Commission had talked to them many times about what the County wanted to see as a village. She related that the Comprehensive Plan described that village centers would concentrate new, small-scale commercial and residential development into a walkable, mixed-use neighborhood. She said there were 12 steps in that concept that were encouraged when developing a village center, and the following had not been met:

1. Pedestrian orientation, a trail and a sidewalk system. There are many areas of this development which cannot easily access the commercial area.
2. Safe, attractive, convenient streets and paths, the use of numerous cul-de-sacs. The lack of interconnected streets conflicts with this concept.
3. Neighborhood centers. The proposed development segregates a commercial center in one corner and allows sprawling development elsewhere. The creation of a neighborhood center is not achieved.
4. Mixture of land uses. Varying land use types are provided, but they are not integrated, and they are not a village.
5. Mixture of housing types and affordability. Only varied forms of single-family homes were offered and, while prices will vary, are unlikely to be affordable. The 32 town homes and the optional second-floor homes still have not been agreed upon.

Mrs. Hansohn stated these were just a few things that did not meet the Comprehensive Plan, and she knew that Centex had a copy of this for two or three years, but the County received a strip mall on Route 211 and a huge subdivision, instead of a village. She said that the one question that kept surfacing was: What benefit would this proposal have for all of the citizens of Culpeper County, and she had yet to find one benefit. She stated that she could not support tabling for four months because the applicant needed to finish 5 percent of its work. She asked those who supported the tabling to tell her what benefits they saw from the proposal.

Mr. Chase stated that the benefit for him would be to better understand the project and what it contained. He stated that he did not believe he was pro-growth, but he would support land rights and owners' rights as long as they did not affect the health and welfare of the citizens. He said he would support the delay because it would provide him with the

opportunity to review VDOT's final plans and help him to make a proper decision on the rezoning.

A brief debate occurred between Mrs. Hansohn and Mr. Chase.

After hearing boos from the audience, Mr. Rosenberger stated the County had a civility policy for its staff and he urged that the audience and the Board not get emotional, but to deal with the facts.

Mr. Chase moved to table for 120 days.

Mrs. Smith pointed out to Mr. Chase that Mr. Rosenberger still had the floor.

Mr. Rosenberger stated that the facts were:

1. The present piece of property being considered had the availability of 250 units as zoned residential.
2. In 1979 a gentleman from Texas owned the property in question and went to the Board of Supervisors and requested some of that property be rezoned to residential. Mr. Chase voted against it, but on a split vote of the Board of Supervisors in the summer of 1979, the Board decided to approve some residential at that location.
3. The village center concept was put into the Comprehensive Plan in 1984, and it was welcomed with open arms because it concentrated the growth into villages.
4. Nineteen years later, the County had yet to have a village built, but a lot of growth and development had occurred everywhere else.
5. In 1989, the comprehensive rezoning of Culpeper County occurred and density on the property in question was increased over and above what it was in 1979 because densities were increased in portions of the County where there was residential.
6. In 1993, the village center was moved from Jeffersonton to Clevenger's Corner because of the amount of development that had occurred there. South Wales Subdivision had been built.

Mr. Rosenberger stated that when he ran for the Board in 1986, he said then and he still believed that South Wales was going to develop, but his concern was the level of density and magnitude of that development. He pointed out that the village as spelled out in the Comprehensive Plan was a mile radius around Routes 211 and 229. He also pointed out that this village was not just exclusive to one landowner nor was it exclusive to just the applicant, but other landowners who own land in that village center had not been involved nor a member of the village center team. He said that he had considered the tabling of 30 days, and then 120 days, but he came to the meeting prepared to vote.

Mr. Rosenberger moved, seconded by Mrs. Hansohn, to accept the Planning Commission's recommendation for denial.

Mrs. Smith stated that she understood that there had to be growth, and she referenced comments made by the Economic Development Director in the Board's morning meeting, but open space and farmland preservation continued to be a priority. She said that the Board had spent hours working on a mission and a vision for this County, and one of the things agreed upon was preserving the rural atmosphere. She stated that she had received numerous calls and she had not had a single person, regardless of his/her magisterial district, speak in favor of this proposal. She stressed that the citizens should have a say in what kind of County they want to live in and they do not want this project.

Mr. Walker agreed that the plan at this point in time did not meet the Comprehensive Plan and there were issues that needed to be resolved. He stated that he would not support the motion to deny the extension because the applicant was asking for time to find solutions to some of these problems. He further stated that when the Board had the final product, that would be the time to vote for denial or approval.

Mr. Rosenberger stated that he appreciated Mr. Walker's comments and he would agree if it were not for the fact that this proposal had been before the County for well over a year, and the applicant had received recommendations and ignored them.

Mr. Lee stated that he agreed with Mr. Chase in that the Board needs to look at the complete package before making a decision. He said that when people were on different sides with different viewpoints, they should talk intelligently and try to reach a compromise. He added that he had never been in a situation before where citizens boo those who opposed them. He pointed out that the Board was meeting in chamber and all in attendance should act appropriately. He said he could not support the motion on the floor at the present time.

Mr. Coates stated that he wanted to see the transportation issues addressed before the Board moved forward on this or any other project. He said he was very familiar with the roads involved and verified their condition in a trip he took to the area with Mr. Rosenberger a few days ago. He said he could not support the motion and wanted the citizens to understand his concern about the transportation issues.

Mrs. Smith stated that she understood the transportation problems and agreed they needed to be studied, but she felt that those problems were not tied just to the rezoning request. She said they were separate issues, and the rezoning issue should be decided

now. She felt that the applicant had been given sufficient time to resolve the issues, and it was time to listen to the citizens who did not want the project.

Mr. Lee called the question.

Mr. Coates called for a vote by show of hands.

Ayes - Hansohn, Rosenberger, Smith

Nays - Chase, Coates, Lee, Walker

Motion failed 4 to 3.

Mr. Lee moved, seconded by Mr. Chase, to table for 120 days.

Mr. Rosenberger stated that he would not support the motion, but would save his comments for later.

Mr. Coates called for a vote by show of hands.

Ayes - Chase, Coates, Lee, Walker

Nays - Hansohn, Rosenberger, Smith

Motion passed 4 to 3.

ADJOURNMENT

Mr. Chase moved, seconded by Mr. Walker, to adjourn at 10:25 p.m.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Smith, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio, Clerk to the Board

APPROVED: January 6, 2004